

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PASTOR VICTOR S. COUZENS	:	Case No. 1:20CV00546
C/O:	:	
Inspirational Bible Church	:	Judge
11450 Sebring Dr.	:	
Cincinnati, OH 45240	:	
and	:	
	:	
INSPIRATIONAL BIBLE CHURCH	:	
11450 Sebring Dr.	:	
Cincinnati, OH 45240	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CITY OF FOREST PARK, OH	:	
1203 West Kemper Road	:	
Forest Park, OH 45240	:	
and	:	
	:	
COLONEL WILLIAM ARNS	:	
C/O:	:	
FOREST PARK POLICE	:	
DEPARTMENT	:	
CITY OF FOREST PARK	:	
1203 West Kemper Rd.	:	
Forest Park, OH 45240	:	
In his official capacity	:	
	:	
and	:	
	:	
REBECCA EAVERS	:	
C/O:	:	
FOREST PARK POLICE	:	
DEPARTMENT	:	
1203 West Kemper Rd.	:	
Forest Park, OH 45240	:	
In her official and	:	
personal capacities	:	

and	:
COREY HALL	:
C/O:	:
FOREST PARK POLICE	:
DEPARTMENT	:
1203 West Kemper Rd.	:
Forest Park, OH 45240	:
 In his official and personal capacities	:
 and	:
 VADA HARRIS	:
C/O:	:
FOREST PARK POLICE	:
DEPARTMENT	:
1203 West Kemper Rd.	:
Forest Park, OH 45240	:
 In her official and personal capacities	:
 and	:
 ALANDES POWELL	:
1535 Woodridge Ct.	:
Cincinnati, OH 45240	:
 and	:
 MARTIN JONES	:
4892 Blue Meadow Ln.	:
Cincinnati, OH 45251	:
 Defendants.	:

COMPLAINT AND JURY DEMAND

Plaintiff Pastor Victor Couzens (“Pastor Couzens”) and the Inspirational Bible Church Inc. (“IBC”) for their Complaint against Defendants, City of Forest Park (“Forest Park”), Colonel William Arns (“Colonel Arns”), Rebecca Eavers (“P.O. Eavers”), Corey Hall (“P.O. Hall”), Vada Harris (“P.O. Harris”), Alandes Powell (“Ms. Powell”), and Martin Jones (“Mr. Jones”), state as follows:

I. PRELIMINARY STATEMENT

1. This is a civil rights action arising out of events which took place on or about the premises of IBC on the morning of February 9, 2020. Specifically, Pastor Couzens and IBC allege that they suffered a violation of their civil liberties and civil rights when P.O. Eavers, P.O. Harris, and P.O. Hall, members of the City of Forest Park Police Department, working an off-duty detail, entered IBC without a warrant and in furtherance of a conspiracy with Ms. Powell and Mr. Jones.

2. The central purpose of the conspiracy was to terminate Pastor Couzens’ employment with IBC and his role as spiritual leader of the church. In attempt of furthering that purpose Defendants: (1) deprived Pastor Couzens of his liberty without due process of law; (2) subjected Pastor Couzens to an unreasonable search and seizure of his person; and (3) interfered with Pastor Couzens’ rights to the free exercise of his religion.

3. At the same time and by the same means, Defendants violated the rights of members of IBC to freely exercise their religion by commandeering and disrupting the regularly scheduled prayer service of February 9, 2020, on the pretense that Pastor

Couzens had been effectively and lawfully stripped of his authority as the spiritual leader of the IBC congregation and was thereby illegally trespassing at the church.

4. Pastor Couzens and IBC bring this action pursuant to 42 U.S.C. § 1983 to redress denials of free exercise of religion, freedom from unreasonable searches and seizures, and due process of law. Finally, Pastor Couzens and IBC bring this action pursuant to the common law of the state of Ohio to be free from civil conspiracies.

5. Pastor Couzens and IBC respectively seek compensatory damages for the economic and non-economic injuries they suffered and continue to suffer as a proximate result of Defendants unconstitutional and tortious actions, punitive damages, and an award for Plaintiff's costs and reasonable attorney's fees in prosecuting this action.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction over the federal claims in this matter pursuant to 28 U.S.C. § 1331. The Court may assume supplemental jurisdiction over the state law claims of Pastor Couzens and IBC pursuant to 28 U.S.C. § 1337 because these claims derive from the same nucleus of operative facts as their federal claims.

7. Venue with this Court is appropriate because the actions complained of herein occurred within the Southern District of Ohio.

III. PARTIES

8. Plaintiff, IBC, is a not-for-profit corporation which operates a religious congregation in Forest Park, Ohio.

9. Plaintiff, Pastor Couzens, is a United States citizen and a resident of Hamilton County, Ohio. Pastor Couzens is an ordained clergyman who is and was, at all times pertinent hereto, employed by IBC as the Senior Pastor and spiritual leader of its congregation.

10. Defendant, Forest Park, is a city and a political subdivision located in Hamilton County, Ohio.

11. Defendant, Colonel Arns is and was, at all times pertinent hereto, the duly appointed and acting Chief of Police of the City of Forest Park. Colonel Arns is the city official primarily responsible for the operation and supervision of the police department of the City of Forest Park. Colonel Arns is sued in his official capacity.

12. Defendant, P.O. Eavers is and was, at all times pertinent hereto, a police officer employed by and under the supervision of the City of Forest Park Police Department. P.O. Eavers is sued in her official and individual capacities.

13. Defendant, P.O. Hall is and was, at all times pertinent hereto, a police officer employed by and under the supervision of the City of Forest Park Police Department. P.O. Hall is sued in his official and individual capacities.

14. Defendant, P.O. Harris is and was, at all times pertinent hereto, a police officer employed by and under the supervision of the City of Forest Park Police Department. P.O. Harris is sued in her official and individual capacities.

15. Defendant, Ms. Powell, is a United States citizen and a resident of Hamilton County, Ohio. Ms. Powell was, at all relevant times, a member of IBC who purported to hold a position of leadership at the church.

16. Defendant, Mr. Jones, is a United States citizen and a resident of Hamilton County, Ohio. Mr. Jones was, at all relevant times, a member of IBC who purported to hold a position of leadership at the church.

IV. STATEMENT OF THE CASE

17. IBC hired Pastor Couzens on or about June 2, 2000 to head the church as its spiritual leader.

18. Sometime prior to December 27, 2019, Ms. Powell and Mr. Jones took it upon themselves to divest Pastor Couzens of his spiritual leadership position in the church by interfering with and terminating his contractual relationship with IBC.

19. In furtherance of that end, Ms. Powell and Mr. Jones conspired to develop a scheme by which they attempted to alienate Pastor Couzens from the church, by among other things, arranging an *ultra vires* meeting of selected members of the church to vote Pastor Couzens out of his position and to formally terminate his employment relationship with IBC. Despite not having any authority under IBC's bylaws to call the election, Ms. Powell and Mr. Jones falsely claimed they had obtained the requisite number and percentage of votes at the meeting to divest Pastor Couzens' position with the church.

20. On or about February 6, 2020, Ms. Powell and Mr. Jones forwarded a letter to Pastor Couzens informing him that as a result of the vote of the congregation, Pastor Couzens' employment relationship with IBC had been ended and that he was no longer its spiritual leader.

21. Then, to enlist the aid of members of the police department to help them advance their conspiracy, Ms. Powell and Mr. Jones provided the Forest Park Police Department with the identical letter dated February 6, 2020 to serve as evidence that Pastor Couzens had been deposed as the chief pastor and spiritual leader of IBC.

22. As a result of Ms. Powell and Mr. Jones' efforts to work in concert and collaboration with the police department, Forest Park assigned an off-duty detail consisting of P.O. Hall, P.O. Harris, and P.O. Eavers to accompany them to IBC on February 9, 2020. Before doing so neither Forest Park nor Colonel Arns, nor any of the individual officers sought or obtained a warrant establishing probable cause for the search of IBC or the arrest of Pastor Couzens.

23. When the officers arrived at the church on February 9, 2020, they were attired in the official uniform of the Forest Park Police Department and each officer was fully armed and displayed a badge reflecting that they were performing their actions under color of state law. On that day, the officers, at the direction of Ms. Powell and Mr. Jones, arranged for the locks of IBC to be changed to prevent Pastor Couzens' entry; restricted Pastor Couzens' entrance and exit to the front entrance of the church and subsequently did not allow him to access any of the private areas of IBC, including his personal office; ordered IBC's sound engineer to cut Pastor Couzens' microphone when he began speaking to the congregation; and threatened to arrest Pastor Couzens if he did not leave the pulpit because he was trespassing on IBC property.

24. When Pastor Couzens questioned under what authority the three officers were acting, Pastor Couzens was simply told by P.O. Hall, P.O. Harris, and P.O. Eavers that the Forest Park Police Department had received documentation that he was not to be permitted on church grounds and that the officers had been vested with lawful authority to arrest him if he did trespass. They further informed him that he could either leave IBC voluntarily or would be "be dragged away in handcuffs."

25. Not wanting any more disruption for the IBC congregation, Pastor Couzens agreed to leave but first asked P.O. Hall if he could quickly explain to the congregation why he would not be leading the services that day. P.O. Hall denied his request. Whereupon Pastor Couzens' wife attempted to address the congregation to provide an explanation as to what was taking place. Once again, however, Ms. Powell and Mr. Jones directed the sound engineer to cut Mrs. Couzens' microphone. P.O. Hall, P.O. Eavers, and P.O. Harris then proceeded to escort Pastor Couzens from the church.

26. The forgoing acts of Defendants, and each of them, were taken under color of state law intentionally, purposefully, and maliciously to advance the goals of their conspiracy to deprive Pastor Couzens of his employment and leadership position with the church. In this matter, there was a sufficiently close nexus between the actions of Defendants Ms. Powell and Mr. Jones that their actions may be fairly attributed to the actions of Forest Park and the individual police officers.

27. As a direct and proximate result of the actions of Defendants conducted in the manner, and for the reasons previously described, Pastor Couzens suffered a disruption in his employment relationship with IBC causing him financial injuries, damage to his professional reputation, interference with and violations of his civil rights, and emotional distress.

28. As a direct and proximate result of the actions of Defendants, IBC suffered damages to its reputation as a prestigious and respected religious organization and congregation resulting in significant loss of members and a consequent diminution in church revenues for the continued operation and maintenance of its congregation and facility.

V. CLAIMS FOR RELIEF

COUNT 1: VIOLATION OF THE FOURTH AMENDMENT Unreasonable Search and Seizure

29. Pastor Couzens and IBC incorporate paragraphs 1-28 as if fully rewritten herein.

30. The aforementioned actions of Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones constituted the unreasonable

search and seizure of Pastor Couzens in violation of Pastor Couzens' rights secured by the Fourth Amendment of the United States Constitution.

**COUNT 2: DEPRIVATION OF LIBERTY
Substantive Due Process**

31. Pastor Couzens and IBC incorporate paragraphs 1-30 as if fully written herein.

32. The aforementioned actions of Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones constituted a deprivation of Pastor Couzen's rights to liberty and substantive due process in violation of the Fourteenth Amendment of the United States Constitution.

**COUNT 3: VIOLATION OF THE FIRST AMENDMENT
Interference with the Free Exercise of Religion**

33. Pastor Couzens and IBC incorporate paragraphs 1-32 as if fully rewritten herein.

34. The aforementioned actions of Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones constituted a violation of Pastor Couzens and IBC members' rights to the free exercise of religion secured by the First Amendment of the United States Constitution.

**COUNT 4: CIVIL CONSPIRACY
42 U.S.C. 1983**

35. Pastor Couzens and IBC incorporate paragraphs 1-34 as if fully rewritten herein.

36. The aforementioned actions of Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones, all acting under the color of

state law, conspired together to create a single plan to deprive Pastor Couzens and IBC of their constitutionally protected rights as set forth herein above.

**COUNT 5: CIVIL CONSPIRACY
Ohio Common Law**

37. Pastor Couzens incorporate paragraphs 1-36 as if fully rewritten herein.

38. The aforementioned actions of Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones constituted a malicious combination of two or more persons injuring Pastor Couzens and IBC's person or property, in a way not competent for one alone to Plaintiffs in violation of the common law of the state of Ohio.

PRAYER FOR RELIEF

Wherefore, Plaintiffs Pastor Couzens and IBC demand judgment against Defendants Forest Park, Colonel Arns, P.O. Hall, P.O. Harris, P.O. Eavers, Ms. Powell, and Mr. Jones, and each of them, jointly and severally, as follows:

1. A judgment for compensatory damages for their economic and non-economic injuries in an amount to be determined at trial;
2. A judgment for punitive damages against the individual Defendants in an amount to be determined at trial;
3. A judgment for an award of Plaintiff's reasonable attorney fees and costs;
4. A judgment for such other relief in law or in equity that is appropriate under the premises.

Respectfully submitted,

MEZIBOV BUTLER

/s/Marc D. Mezibov

Marc D. Mezibov (OH No. 0019316)
Brian J. Butler (OH No. 0082675)
Daniel J. Treadaway (OH No. 0098000)
615 Elsinore Place, Suite 105
Cincinnati, OH 45202
Phone: 513.621.8800
Fax: 513.621.8833
mmezibov@mezibov.com
bbutler@mezibov.com
dtreadaway@mezibov.com

Attorneys for Plaintiff Victor Couzens

JURY DEMAND

Plaintiff Victor Couzens demands a jury trial to resolve issues of fact related to his Complaint.

/s/Marc D. Mezibov
Marc D. Mezibov (Ohio No. 0019316)